

STIPULATIONS
AZA-036518 Grant for NOAA Climate Monitoring Station

1. All valid rights existing on the date of the original right-of-way grant will be recognized and complied with.
2. The holder shall comply with all State and Federal laws applicable to the authorized use and such additional State and Federal laws, along with the implementing regulations, that may be enacted and issued during the term of the grant.
3. The right-of-way grant herein granted shall be subject to the express covenant that it will be modified, adapted, or discontinued if found by the Secretary to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States.
4. The right-of-way reserves to the Secretary of the Interior, or lawful delegates, the right to grant additional rights-of-way, leases, or easements for compatible uses over, under, within or adjacent to the lands involved in this grant.
5. The holder shall fully indemnify or hold harmless the United States for any liability, for damage, or claims arising in connection with the holder's use and occupancy of the right-of-way.
6. All activities directly or indirectly associated with construction, operation and maintenance shall be conducted within the limits of the approved right-of-way. This right-of-way does not allow for any surface disturbing activities outside the right-of-way area.
7. Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
8. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et.seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

9. The holder of Right-of-Way Number AZA 036518 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et.seq., or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et.seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third party.
10. The holder shall notify the authorized officer prior to commencement of emergency maintenance outside the right-of-way to discuss repair and construction activities.
11. Should any archaeological resource or vertebrate fossils be discovered during implementation of the right-of-way, all surface disturbing activities in the area of discovery shall cease. The archaeologist will evaluate the discovery and provide recommendations to the Authorized Officer. Surface disturbing activities shall not resume until permission is obtained from the Authorized Officer.
12. If in connection with operations under this authorization, any human remains or funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (NAGPRA) (P.L. 101-601; Stat. 3048; 25 U.S.C. 3001) are discovered, the permittee shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer of the discovery. The permittee shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.
13. Any modification to the right-of-way initiated by the holder may require the submission of an environmental assessment, cultural resource survey and biological evaluation to the BLM's authorized officer.
14. Any vehicles and equipment that are brought in from outside the area will be power-washed, including the undercarriage, prior to entering the right-of-way and afterwards before moving vehicle and equipment onto any other public lands, to prevent the introduction and spread of noxious weeds and/or invasive species.
15. The operator shall be held responsible if noxious weeds become established within the areas of operations. Weed control shall be required on the disturbed land where noxious weeds exist, which includes any access roads and associated power line corridor, and adjacent land affected by the establishment of weeds as a result of this action. The operator shall consult with the authorized officer for acceptable weed control methods, which include following U.S. Environmental Protection Agency (EPA) and BLM requirements and policies.